

**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. W268

GUST L. HATJES, Ph.D.
316 Bromley Cross Drive
San Jose, CA 95119

Psychology License No. PSY 10113
Marriage and Family Therapist License No. MFC 20095

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Psychology, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 20, 2004.

It is so ORDERED May 21, 2004.

J. B. Horn, Ph.D.

FOR THE BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
JACQUELINE HORN, Ph.D., PRESIDENT

1 BILL LOCKYER, Attorney General
of the State of California
2 LAWRENCE A. MERCER, State Bar No. 111898
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5539
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PSYCHOLOGY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. W268

11 GUST L. HATJES, Ph.D.
12 316 Bromley Cross Drive
13 San Jose, CA 95119

OAH No. N2004010164

**STIPULATED SURRENDER
OF LICENSE AND ORDER**

14 Psychology License No. PSY 10113

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Thomas S. O'Connor (Complainant) is the Executive Officer of the Board
21 of Psychology. He brought this action solely in his official capacity and is represented in this
22 matter by Bill Lockyer, Attorney General of the State of California, by Lawrence A. Mercer,
23 Deputy Attorney General.

24 2. Gust L. Hatjes, Ph.D. (Respondent) is fully aware of his right to be
25 represented by an attorney, at his own expense, and respondent has elected to represent himself in
26 this matter.

27 3. On or about July 16, 1987, the Board of Psychology issued Psychology
28 License Number PSY 10113 to Gust L. Hatjes, Ph.D. (Respondent). The Psychology License

1 was in full force and effect at all times relevant to the charges brought herein and will expire on
2 July 31, 2004, unless renewed. By interim order of suspension, which issued on January 23,
3 2004, respondent's license was suspended pending a hearing on the charges set forth herein.

4 4. On or about January 4, 1985, the Board of Behavioral Sciences issued
5 Marriage and Family Therapist License Number MFC 20095 to Gust L. Hatjes, Ph.D.
6 (Respondent). The Marriage and Family Therapist License was in full force and effect at all
7 times relevant to the charges brought herein and will expire on June 30, 2004, unless renewed.
8 By interim order of suspension, which issued on January 23, 2004, respondent's license was
9 suspended pending a hearing on the charges set forth herein.

10 JURISDICTION

11 5. Accusation No. W268 was filed before the Board of Psychology (Board),
12 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
13 and all other statutorily required documents were properly served on Respondent on January 30,
14 2004. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of
15 Accusation No. W268 is attached as exhibit A and incorporated herein by reference.

16 ADVISEMENT AND WAIVERS

17 6. Respondent has carefully read and understands the charges and allegations
18 in Accusation No. W268. Respondent also has carefully read and understands the effects of this
19 Stipulated Surrender of License and Order.

20 7. Respondent is fully aware of his legal rights in this matter, including the
21 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
22 counsel, at his own expense; the right to confront and cross-examine the witnesses against him;
23 the right to present evidence and to testify on his own behalf; the right to the issuance of
24 subpoenas to compel the attendance of witnesses and the production of documents; the right to
25 reconsideration and court review of an adverse decision; and all other rights accorded by the
26 California Administrative Procedure Act and other applicable laws.

27 8. Respondent voluntarily, knowingly, and intelligently waives and gives up
28 each and every right set forth above.

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ORDER

IT IS HEREBY ORDERED that License No. PSY10113, issued to Respondent Gust L. Hatjes, Ph.D. is surrendered to and accepted by the Board of Psychology.

14. Respondent shall lose all rights and privileges as a psychologist in California as of the effective date of the Board's Decision and Order.

15. Respondent shall cause to be delivered to the Board both his wall and wallet certificate, should he still possess them, on or before the effective date of the Decision and Order.

16. Respondent fully understands and agrees that if he ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent shall not be eligible to file such a petition for a minimum of three years from the effective date of the Board's Decision and Order and he must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed. All of the charges and allegations contained in Accusation, No. W268 will be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

17. In the event that respondent petitions for reinstatement of his license, he understands and agrees that, in its sole discretion, the Board may require that respondent take and pass an oral competency examination and undergo a full medical and psychological evaluation and that such examination and evaluations would be conditions precedent to resumption of his practice as a psychologist.

18. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$8,998.00 prior to issuance of a new or reinstated license.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my license and that it will terminate my ability to practice psychology in the State of California. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Psychology.

DATED: 4/16/04


GUST L. HATJES, Ph.D.
Respondent

1 ENDORSEMENT

2 The foregoing Stipulated Surrender of License and Order is hereby respectfully
3 submitted for consideration by the Board of Psychology of the Department of Consumer Affairs.
4

5 DATED: April 10, 2004.

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7 BILL LOCKYER, Attorney General
8 of the State of California

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11 LAWRENCE A. MERCER
12 Deputy Attorney General

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14 Attorneys for Complainant
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Exhibit A

Accusation No. W268

BILL LOCKYER, Attorney General
of the State of California
LAWRENCE A. MERCER, State Bar No. 111898
Deputy Attorney General
California Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5539
Facsimile: (415) 703-5480
Attorneys for Complainant

**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

GUST L. HATJES, Ph.D.
316 Bromley Cross Drive
San Jose, CA 95119

Psychology License No. PSY 10113

Respondent.

Case No. W268

OAH No. N2004010164

ACCUSATION

Complainant alleges:

PARTIES

1. Thomas S. O'Connor (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Board of Psychology, Department of Consumer Affairs.

2. On or about July 16, 1987, the Board of Psychology issued Psychology License Number PSY 10113 to Gust L. Hatjes, Ph.D. (Respondent). The Psychology License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2004, unless renewed. By interim order of suspension, which issued on January 23, 2004, respondent's license was suspended pending a hearing on the charges set forth herein.

3. On or about January 4, 1985, the Board of Behavioral Sciences issued Marriage and Family Therapist License Number MFC 20095 to Gust L. Hatjes, Ph.D.

(Respondent). The Marriage and Family Therapist License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2004, unless renewed. By interim order of suspension, which issued on January 23, 2004, respondent's license was suspended pending a hearing on the charges set forth herein.

JURISDICTION

4. This Accusation is brought before the Board of Psychology (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2960 of the Code states:

The board may refuse to issue any registration or license, or may issue a registration or license with terms and conditions, or may suspend or revoke the registration or license of any registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

(a) Conviction of a crime substantially related to the qualifications, functions or duties of a psychologist or psychological assistant.

(b) Use of any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic beverage to an extent or in a manner dangerous to himself or herself, any other person, or the public, or to an extent that this use impairs his or her ability to perform the work of a psychologist with safety to the public.

6. Section 822 provides that, if a licensing agency determines that its licentiates ability to practice his profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

- (a) Revoking the licentiate's certificate or license.
- (b) Suspending the licentiate's right to practice.
- (c) Placing the licentiate on probation.
- (d) Taking such other action in relation to the licentiate as the

1 licensing agency in its discretion deems proper.”

2 Section 822 further provides that:

3 “[t]he licensing agency shall not reinstate a revoked or suspended certificate or license
4 until it has received competent evidence of the absence or control of the condition which
5 caused its action and until it is satisfied that with due regard for the public health and
6 safety the person's right to practice his or her profession may be safely reinstated.”

7 6. Section 125.3 of the Code states, in pertinent part, that the Board may
8 request the administrative law judge to direct a licensee found to have committed a
9 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs
10 of the investigation and enforcement of the case.

11 FIRST CAUSE FOR DISCIPLINE

12 (Alcohol/Substance Abuse)

13 7. Respondent is subject to disciplinary action under section 2960, subsection
14 (b), in that respondent consumed alcohol to an extent and/or in a manner injurious to himself
15 and/or to the public. The circumstances are as follows:

16 8. On or about February 19, 2000, respondent was involved in a motor
17 vehicle accident, after which he was charged with driving under the influence of alcohol (“DUI”) in violation of Vehicle Code section 23152(b). His blood alcohol level was .39. Respondent was
18 convicted on June 14, 2000 and sentenced to three years probation.

19 9. Dr. Hatjes was arrested and booked for public intoxication on December
20 17, 2001. At that time, respondent was reported to be found staggering about the parking lot of a
21 convenience store. When questioned, his speech was slurred and officers detected a strong odor
22 of alcohol about his person. Dr. Hatjes agreed to attend 10 AA meetings and the charges were
23 ultimately dismissed.

24 10. On March 20, 2003, San Jose Police made a second arrest of respondent
25 for DUI. A report of the arrest indicated that respondent had been observed by a citizen to be
26 intoxicated in a public restaurant on that afternoon. The citizen followed respondent to his car
27 and followed him home, during which time she called 911. Police officers met the citizen
28

1 outside respondent's home and then interviewed respondent at approximately 4 p.m., who
2 advised them that he had been drinking since early morning. Respondent's blood alcohol content
3 was measured at .218. Respondent was arrested and booked into jail for violation of Vehicle
4 Code 11352(b). Respondent was convicted on July 31, 2003.

5 11. Respondent's medical records, which were obtained from Kaiser
6 Permanente, indicate that respondent has suffered from alcohol abuse and/or alcohol dependency
7 for at least four years. The records state that respondent attributes his alcohol abuse to the break
8 up of his marriage in 1999, which resulted in his loss of custody of his children. On April 13,
9 2002, respondent was found passed out on the road beside his automobile. The medical records
10 indicate that respondent was intoxicated at that time. Respondent also reported suffering two
11 seizures in May, 2002.

12 12. Respondent was examined by a Board-appointed psychologist, who
13 diagnosed respondent with Alcohol Dependence with Physiologic Dependence.

14 13. Respondent is guilty of unprofessional conduct and respondent's license is
15 subject to disciplinary action pursuant to Business and Professions Code section 2960(b) in that
16 respondent consumed alcohol to an extent and/or in a manner injurious to himself and/or to the
17 public.

18 SECOND CAUSE FOR DISCIPLINE

19 (Criminal Conviction)

20 14. Respondent is subject to disciplinary action under section 2960, subsection
21 (a), in that respondent has been convicted of a crime substantially related to the duties,
22 qualifications and functions of a psychologist. The circumstances are as follows:

23 15. On or about June 14, 2000, respondent was convicted of violation of
24 Vehicle Code section 23152(b), i.e., operating a motor vehicle with a blood alcohol greater than
25 .08.

26 16. On or about July 31, 2003, respondent was convicted of violation of
27 Vehicle Code section 23152(b), i.e., operating a motor vehicle with a blood alcohol greater than
28 .08.

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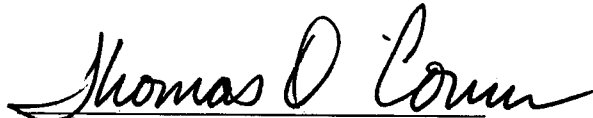
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7:

1 the costs of probation monitoring;

2 3. Taking such other and further action as deemed necessary and proper.

3 DATED: Januaary 30, 2004 .

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6 THOMAS S. O'CONNOR
7 Executive Officer
8 Board of Psychology
9 Department of Consumer Affairs
10 State of California
11 Complainant

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11 Psychology Accusation.wpd
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DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation filed
Against:

Gust L. Hatjes, Ph.D.

No.: W268

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Gust L. Hatjes, Ph.D.
316 Bromley Cross Drive
San Jose, CA 95119

7002 0860 0004 1219 5555

Lawrence A. Mercer
Deputy Attorney General
Office of the Attorney General
455 Golden Gate Ave., Ste. 11000
San Francisco, CA 94102-7004

Each said envelope was then on May 21, 2004, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, May 21, 2004, at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT
Mary Laackmann
Enforcement Analyst